

EXHIBIT A

Abu Issa, Ashraf - Vol. I 9/10/2007

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 (SAN FRANCISCO DIVISION)

4 GABANA GULF DISTRIBUTION, LTD, et al.,)

5 Plaintiffs)

6)Case No.
7)C 06 2584

7 v.)

8 GAP INTERNATIONAL SALES, INC, et al.,)

9 Defendants)

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11

12 CONFIDENTIAL

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14 Video Deposition of:

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16 Ashraf Abu Issa

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18 Taken at the offices of:

19 Lefevre Pellerier & Associates,

20 136 Avenue des Champs Elysees

21 Paris, France

22

23 Monday, 10th September 2007

24 at 9.51 am

25

Unsigned

Page 1

1 proposed Distributor Licence were?

2 A. No.

3 Q. Do you remember Mr Bell expressing any
4 reservations about the terms of the proposed Distributor
5 Licence Agreement?

6 A. Which agreement, between whom and whom?

7 Q. Between Roots and Gabana?

8 A. No.

9 Q. Do you have any further recollection about
10 why it is that Roots and Gabana did not enter into the
11 Distributor Licence Agreement?

12 MR HANEY: Objection, asked and answered.

13 MR GLICK: Same objection.

14 MS DURIE: Let me have marked as the next Exhibit
15 GAB 0044056 to 57.

16 (Marked for identification Abu Issa Exhibit 11)

17 Have you had a chance to look at Exhibit 11?

18 A. Yes.

19 Q. Do you recognise it as an exchange of
20 e-mails between yourself and Mr Ehlen?

21 A. Yes.

22 Q. Dated January 23rd and 24th 2003?

23 A. July.

24 Q. Sorry, July?

25 A. Yes.

1 Q. The e-mail address that you were using is an
2 e-mail address from Blue Salon, correct?

3 MR HANEY: Objection, lacks foundation.

4 MS DURIE: Well, your e-mail address is
5 ashrafatbluesalon.com, correct?

6 A. Yes.

7 Q. In Mr Ehlen's response to your e-mail he says
8 under the third bullet point:

9 "At this time we will not be approving additional
10 locations, however, we will continue to review your
11 proposals quarterly."

12 When you received this e-mail from Mr Ehlen did
13 you consider this to be a breach of any agreement that you
14 had entered into?

15 MR HANEY: Objection, asks for a legal conclusion.

16 MR GLICK: Same objection.

17 A. Yes.

18 MS DURIE: What was that?

19 A. Because when we bought the 1.7 million we
20 were promised ISP for all these countries and when we
21 started to execute the promise or, you know, started to go
22 and say we bought them, now let's start working, we always
23 get answers that we still didn't approve this country and
24 didn't approve that country. To me it's a breach for
25 whatever we have been promised.

1 Q. Did you tell Mr Ehlen in response to this
2 message that you considered this to be a breach of an
3 agreement that you had with him?

4 A. Yes.

5 Q. When did you tell him that?

6 A. When I met him next or, you know, we always
7 expressed our dissatisfaction that, and John Ehlen always
8 said that it will happen, it will happen, you know, the
9 promise was, of course, given at the beginning it was given
10 by Jim Bell, okay. And when John was in the picture he
11 said: I still have to talk to our management to get you all
12 these approvals, please wait it is only a matter of time.

13 Q. Did Mr Ehlen always tell you that the
14 approval of additional locations would require approval from
15 more senior Gap personnel?

16 A. Yes.

17 Q. Did you ever complain to Gap in writing that
18 the failure to approve additional locations was in your view
19 a breach of the Agreement that you had with them?

20 A. No, not in those terms, no.

21 Q. Why not?

22 A. We didn't want to get into, you know, the
23 nitty gritty little legal terms, you know. As we normally
24 do with all the suppliers around the world we always try to
25 make this as friendly as possible and we are normally very

1 CERTIFICATE OF COURT REPORTER

2

3 I, Kay Hendrick, a qualified court reporter

4 contracted by TSG Reporting Worldwide, hereby certify that

5 the testimony of the witness, Ashraf Abu Issa, in the

6 foregoing transcript, taken on Monday, 10th September 2007,

7 was recorded by me in machine shorthand and was thereafter

8 transcribed by me, and that the foregoing transcript is

9 a true and accurate verbatim record of the said testimony.

10 I further certify that I am not a relative, employee or

11 counsel of any of the parties to the within cause, nor am I

12 an employee or relative of any counsel for the parties, nor

13 am I in any way interested in the outcome of the within

14 cause.

15

16

17 Signed

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19 Ms Kay Hendrick

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21 Dated September 13, 2007

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